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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,203	04/28/2000	Terry Erisman	TEE 2000-1	3365

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/560 203

Applicant(s)

Erison

Examiner

Akers, J

Group Art Unit

3624

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 4/29/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-102 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-102 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Pg 4 5

Art Unit: 3624

### DETAILED ACTION

1. Claims 1-102 have been examined.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-102 are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363) in view of Barzilai(US Pat. No: 6,012,045) in view of Godin(US Pat. No: 6,266,652) and further in view of Aggarwal(US Pat. No:6,151,589).

4. As per claims 1-102 Mori teaches a method of entering bid information on an electronic auction comprising reviewing a database of items for auction(Fig 2/11) and entering a set of bids for a set of items selected from a database(Fig 4/312/313).Mori teaches performing these auctions on a network(Abstract) and a highest ascending price(Fig 19) as well as order times(Fig 10) and desired quantities(Fig 12) and the raising of prices relative to a reference(Fig 16). Barzilai teaches creating a bid ranking and bid table(col 16 lines 50-60)(col 16 line 11-col 17 line 21) as well as services(Abstract) and vacationsFig 4A/202) which includes entertainment as well as a minimum bid, bid cycle data, and distribution of bids(col 2 lines 20-54) with a cost associated with each bid(col 2 lines 53-54) and an e-mail confirmation of shipping(Fig 4B/228).

Art Unit: 3624

Barzilai also teaches periods of time when the auction showrooms are opened(Fig 5) and password access control to the auction and a rule engine(Fig 6A) and a frequency analysis on the data(Fig 6B/344) and the construction of a bid table of bids(Fig 6B/346) as well as the running average the mean, median, mode and range per bid item(Fig 6B/342) and the posting of the top N bids above a threshold on the bid chart(Fig 6B/356). Godin teaches a maximum price through a reverse auction process(Abstract)(col 2 lines 37-67) as well as a process registration(Fig 2/82) and a user ID configuration(Fig 2/84) and a warranty(Fig 2/74) and categories(Fig 2/62) as well as minimum cost, street price and starting and closing prices(Fig 4) and an electronic bill of sale(Fig 12). Aggarwal teaches conditions on market premium bidders(Fig 4/420) as well as a continuous auction on the Internet(Abstract), and a display of current best bids(Fig 2/210) and the time interval between auction decisions(Fig 2/240) for a buyer to decide to buy(Fig 3/340). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach part of the above. The motivation to combine is to teach as method of purchasing and selling consumer products and services via an electronic bid, auction and sale system as enunciated by Barzilai(col 1 lines 47-51). Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai and further in view of Godin to teach part of the above. The motivation to combine is to teach a simplified Internet-based auction process extending over some time with a lack of complexity and e-mail notification to winners as enunciated by Godin(col 1 lines 47-59). Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine

Art Unit: 3624

Mori in view of Barzilai in view of Godin and further in view of Aggarwal to teach all of the above. The motivation to combine is to teach an Internet-based auction process with dynamically adjusted time intervals due to the pricing as enunciated by Aggarwal(col 2 lines 33-41).

***Conclusion***

**5. THIS ACTION IS MADE NON-FINAL.**

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6. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA 

November 6, 2002